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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/825,328	04/03/2001	Srinivas Gutta	US010164	1775

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P.O. BOX 3001
BRIARCLIFF MANOR, NY 10510

EXAMINER

NGUYEN, DUC M

ART UNIT	PAPER NUMBER
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2618

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/12/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

09/825,328

Applicant(s)

GUTTA ET AL.

Examiner

Duc M. Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 December 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4,9-16,19-26,29-31 and 36-47 is/are pending in the application.
- 4a) Of the above claim(s) See Continuation Sheet is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 11, 15-16, 21, 25-26, 31, 38-39, 41, 45 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This action is in response to applicant's response filed on 12/21/06. Claims 1-4, 9-16, 19-26, 29-31, 36-47 are now pending in the application.

Claim Rejections - 35 USC § 101

1. Claims **38-39, 41, 45** are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.
 - The language of the claims raises a question as to whether the claims are directed merely to an abstract idea that is not tied to a technological art, environment or machine which would result in a "practical application" producing a concrete, useful, and tangible result to form the basis of statutory subject matter under 35 USC 101. The "computer readable medium" as recited by the claims is not described in the specification so that it is limited to tangible embodiments such as CDs or ROMs.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
3. Claims **38-39, 41, 45** are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 38-39, 45 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite in that it fails to point out what is included or excluded by the claim language. This claim is an omnibus type claim.

The claims recite "an article of manufacture" and a "computer readable medium" limitations which was not clearly described in the specification. Therefore, they fails to point out what is included or excluded by the claim language.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims **1, 11, 21, 31, 38-39, 41, 45** are rejected under 35 U.S.C. 103(a) as being unpatentable by **Delgado** (US 2002/0052873) in view of **Brown et al** (US 6,975,910) and **Kolawa** (US 6,370,513).

Regarding claim **1**, **Delgado** discloses a method for recommending an item (i.e., vacation) to a user, comprising the steps of:

- observing one or more environmental characteristics (see [0041]), wherein when recommending a vacation with nice weather condition, it is clear that the weather condition of such recommended vacation would have been obviously, if not implicitly, accessed via a weather server system as disclosed by **Brown** in order

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to access the regional forecast or current weather condition (i.e, the user may want to take the vacation within the period of 24 hours) in order to generate a matching score for the recommended item (see Brown, col. 10, lines 41-48 and col. 12, lines 59-65);

- determining preferences of said user under said one or more environmental characteristics (see [0038]); and
- generating a recommendation score for said item based on features of said item and said observed preferences of said user under said one or more environmental conditions (see [0048]—[0051], wherein the matching percentage score for ranking would read on the “recommendation score” as claimed with the broadest reasonable interpretation), wherein the one or more environmental conditions includes at least one of weather condition and each of the one or more environmental conditions is associated with a weight assigned by as the user (see [0041]). Here, since **Delgado** teaches that a given vacation may be mapped in a domain space as having few available activities, great weather and low cost or a vacation with many activities and moderately nice weather, but may be not be concerned with cost (see [0041]), it is clear that **Delgado** would **implicitly** teach that the one or more environmental conditions is associated with a weight assigned by the user in the similar way as disclosed by **Kolawa** (see col. 21, lines 6-48).

Therefore, the claimed limitations are made obvious by **Delgado** in view of **Brown** and **Kolawa**.

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Regarding claims **11, 31, 39**, the claims are rejected for the same reason as set forth in claim 1 above. In addition, since **Delgado** discloses the method is used for recommending a vacation, it is clear that the recommending vacation would obviously be based on a given time as claimed (i.e, see [0057], regarding Time factors: early Jan, Mid Jan, Late Jan, etc...).

Regarding claims **21, 38**, the claims are rejected for the same reason as set forth in claim 1 above, wherein it is clear that a computer readable medium is obviously, if not inherently, required in order to compute scores and generate recommended items to a user (see Figs. 1-2).

Regarding claims **41, 45**, the claims are rejected for the same reason as set forth in claims 38-39 above. In addition, since **Delgado** discloses the method is used for recommending a vacation, it is clear that the recommending vacation would obviously be based on an region, area or at least one of a location as claimed (i.e, see [0057] regarding region factors, and see also [0053] regarding location filter).

6. Claims **1, 11, 15-16, 21, 25-26, 31, 38-39, 41, 45** are rejected under 35 U.S.C. 103(a) as being unpatentable by **Brown et al (US 6,975,910)** in view of **Asgharzadeh et al (US 5,590,246)** and **Kolawa (US 6,370,513)**.

Regarding claim **1**, **Brown** discloses a method for recommending an item to a user, comprising the steps of:

- observing one or more environmental characteristics (see col. 10, lines 41-48 and col. 12, lines 59-65);

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- determining preferences of said user under said one or more environmental characteristics (see col. 10, lines 41-48); and
- generating a recommendation score for said item based on features of said item and said observed preferences of said user under said one or more environmental conditions (see col. 10, lines 41-48), wherein it is clear that the system in Brown would obviously, if not implicitly, derive scores for recommended stations based on maximum scores in the similar way as mentioned by **Asgharzadeh** (see col. 2, lines 40-53).

Therefore, the claimed limitation regarding a score is made obvious by **Brown** and **Asgharzadeh**, for generating recommendation scores as claimed, in order to produce a recommend item to a user according their highest scores.

As to the limitation regarding a weight assigned by user for one or more environmental characteristics, it is noted that since Brown teach that the recommend item is recommended depending on environmental characteristics (i.e, whether weather is cold or hot), it is clear **Brown** would obviously, if not implicitly, teach a scaling weight for each weather condition is assigned to a prefer dish in the similar way as disclosed by **Kolawa** (see col. 21, lines 6-48).

Therefore, the claimed limitations are made obvious by **Brown** in view of **Asgharzadeh** and **Kolawa**.

Regarding claims **11, 15**, the claims are rejected for the same reason as set forth in claim 1 above. In addition, since **Brown** discloses the method is used for recommending an item based on location (see col. 7, lines 23-46) and **schedule** (see

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col. 8, lines 9-47), it is clear that the recommending item would obviously be based on a given time as claimed.

Regarding claims **21, 31, 38, 39**, the claims are rejected for the same reason as set forth in claim 11 above regarding a given time, wherein it is clear that a computer readable medium and/or a processor would be obviously, if not inherently, required in order to compute scores and generate a recommend item to a user.

Regarding claims **16, 25-26, 41, 45**, the claims are rejected for the same reason as set forth in claim 21 above. In addition, **Brown** would obviously teach said one or more environmental characteristic is one or more characteristic of a location as claimed (i.e, weather characteristic at a given location, see col. 12, lines 59-65,).

Response to Arguments

7. Applicant's arguments with respect to claims 1, 11, 15-16, 21, 25-26, 31, 38-39, 41, 45 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

See the attached PTO-892.

9. **Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks

Washington, D.C. 20231

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or faxed to:

(571) 273-8300 (for formal communications intended for entry)

(571)-273-7893 (for informal or draft communications).

Hand-delivered responses should be brought to Customer Service Window,
Randolph Building, 401 Dulany Street, Alexandria, VA 22314.

Any inquiry concerning this communication or communications from the examiner
should be directed to Duc M. Nguyen whose telephone number is (571) 272-7893,
Monday-Thursday (9:00 AM - 5:00 PM).

Or to Matthew Anderson (Supervisor) whose telephone number is (571) 272-
4177.

Duc M. Nguyen

Feb 20, 2007

A handwritten signature in black ink, appearing to read 'Duc M. Nguyen', with a long horizontal flourish extending to the right.

Continuation of Disposition of Claims: Claims withdrawn from consideration are 2-4,9,10,12-14,19,20,22-24,29,30,36,37,40,42-44,46 and 47.